

YG-DCO-072(B)

# Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.5(B) Statement of Common Ground Between National Grid Electricity Transmission and Natural England (Tracked)

Final Version 2  
July May 2023

Planning Inspectorate Reference: EN020024

Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009 Regulation 5(2)(q)

# Contents

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<b>1.</b>	<b>Introduction</b>	<b>4</b>
1.2	Description of the Project	4
1.3	This Statement of Common Ground	7
<b>2.</b>	<b>Record of Engagement</b>	<b>9</b>
2.1	Role of Natural England in the DCO process	9
2.2	Summary of pre-application discussions	10
2.3	Summary of post-submission discussions	15
<b>3.</b>	<b>Matters Agreed</b>	<b>19</b>
<b>4.</b>	<b>Matters Not Agreed</b>	<b>27</b>
<b>5.</b>	<b>Matters outstanding</b>	<b>28</b>
<b>6.</b>	<b>Approvals</b>	<b>31</b>

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Table 2.1 - Pre-application discussions	10
Table 2.2 – Post-submission discussions	15
Table 3.1 – Matters agreed	19
Table 4.1 – Matters not agreed	27
Table 5.1 – Matters outstanding	28

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Figure 1– Location of the Yorkshire GREEN Project	7
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# Yorkshire GREEN Project

## Document control

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### Version History

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Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For submission at Deadline 1
Statement of Common Ground	2	<u>Final</u>	<u>Final version for Examination</u>

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# 1. Introduction

- 1.1.1 A Statement of Common Ground (SoCG) is a written statement produced as part of the application process for a Development Consent Order (DCO) and is prepared jointly between the applicant and another party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.2 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.
- 1.1.3 This SoCG is between National Grid Electricity Transmission Plc (“National Grid”) and Natural England relating to the DCO application for the Yorkshire GREEN Project. The SoCG relates to the DCO application for the Yorkshire Green Energy Enablement (GREEN) Project (referred to as the Project or Yorkshire GREEN). It has been prepared in accordance with the guidance<sup>1</sup> published by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.1.4 This SoCG has been prepared to identify matters agreed and matters currently outstanding between National Grid and Natural England.
- 1.1.5 This version (V2 ~~July 2023~~ ~~May 2023~~) of the SoCG represents the position between National Grid and Natural England based on discussion up to the Deadline 5 stage of the Project Examination process on 11 July 2023~~May 2023~~. ~~The SoCG will continue to evolve as the DCO application progresses through the examination~~This SoCG represents the final version for the Examination with no matters remaining outstanding.

## 1.2 Description of the Project

### Need for the Yorkshire GREEN Project

- 1.2.1 National Grid propose to upgrade and reinforce the electricity transmission system in Yorkshire. This reinforcement is needed to improve the transfer of clean energy across the country.
- 1.2.2 Electricity flows are set to double within the next ten years as a result of offshore wind developments, other sources of clean energy and expanding interconnection capacity (high-voltage cables that connect the electricity systems of neighbouring countries) in both Scotland and north-east England. Yorkshire GREEN would contribute towards strengthening the national electricity transmission network so that it can accommodate

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<sup>1</sup> Planning Act 2008: Guidance for the examination of applications for development consent. Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

this growth in electricity flows. Reinforcement would ensure that the network is not overwhelmed, and that potential future pressures on the network are relieved in the north and north-east of England, whilst balancing supply and demand.

- 1.2.3 Without additional reinforcement, the existing transmission system would become overloaded. To stop these overloads from happening, National Grid Electricity System Operator would need to constrain power generation. Such action could result in significant costs to consumers.
- 1.2.4 As a result, it is necessary and economical to invest in network reinforcement in the long term, and critically to ensure that Yorkshire GREEN is designed, tested and installed in sufficient time to meet the 2027 earliest in service date. Reinforcement of the network would enable an increase in the transfer of clean energy, increasing network capacity and avoiding constraint costs.

## Yorkshire GREEN Project Description

- 1.2.5 Yorkshire GREEN comprises both new infrastructure and works to existing transmission infrastructure and facilities. The Project is divided into six sections (see **Figure 1**), located within ~~six~~three Local Authority boundaries<sup>2</sup> :
- **Section A (Osbalwick Substation):** Minor works would take place at the existing Osbalwick Substation comprising the installation of a new circuit breaker and isolator along with associated cabling, removal and replacement of one gantry and works to one existing pylon. All substation works would be within existing operational land.
  - **Section B (North west of York Area):** Works would comprise:
    - reconductoring of 2.4km of the 400kV Norton to Osbalwick (2TW/YR) overhead line and replacement of one pylon on this overhead line;
    - the new 400kV YN overhead line (2.8km), north of the proposed Overton Substation;
    - the new Shipton North and South 400kV cable sealing end compounds (CSECs) and 230m of cabling to facilitate the connection of the new YN 400kV overhead line with the existing Norton to Osbalwick YR overhead line;
    - a new substation (Overton 400kV/275kV Substation) approximately 1km south of Shipton by Beningbrough;
    - two new sections of 275kV overhead line which would connect into Overton Substation from the south (the 2.1km XC overhead line to the south-west and the 1.5km SP overhead line to the south-east); and
    - works to 5km of the existing XCP Poppleton to Monk Fryston overhead line between Moor Monkton in the west and Skelton in the east comprising a mixture of decommissioning, replacement and realignment. To the south and south-east of Moor Monkton the existing overhead line would be realigned up to 230m south from the current overhead line and the closest pylon to Moor Monkton (340m south-east) would be permanently removed. A 2.35km section of this existing

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<sup>2</sup> North Yorkshire ~~County~~ Council, ~~Selby District Council~~, ~~Harrogate Borough Council~~, ~~Hambleton District Council~~, City of York Council, and Leeds City Council.

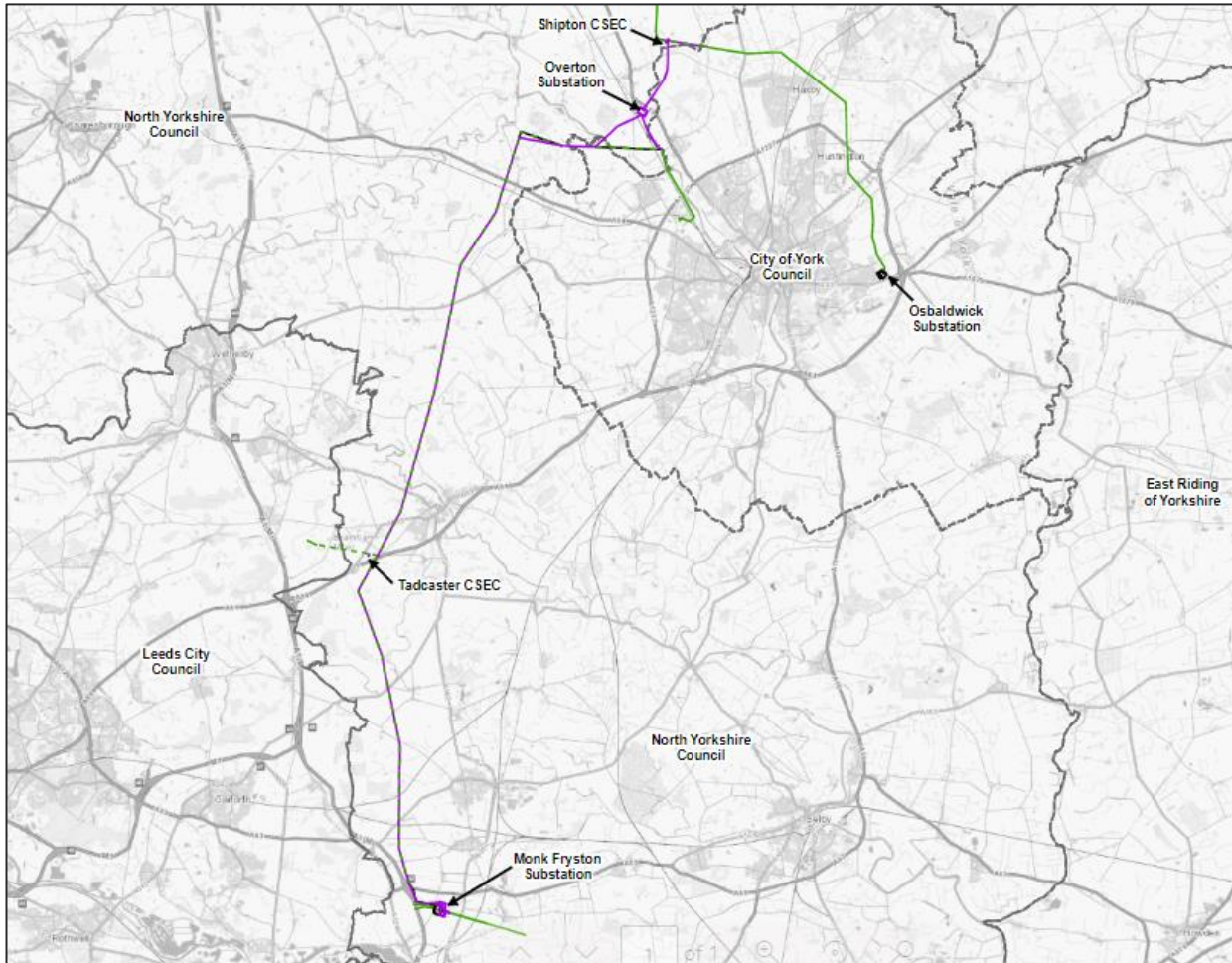
overhead line permanently removed between the East Coast Mainline (ECML) Railway and Woodhouse Farm to the north of Overton.

- **Section C (existing 275kV Poppleton to Monk Fryston (XC) overhead line north of Tadcaster (Section D)):** Works proposed to this existing 275kV overhead line include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- **Section D (Tadcaster):** Two new CSECs (Tadcaster East and West 275kV CSECs) and approximately 350m of cable would be installed approximately 3km south-west of Tadcaster and north-east of the A64/A659 junction where two existing overhead lines meet. One pylon on the existing 275kV Tadcaster Tee to Knaresborough (XD) overhead line would be replaced.
- **Section E (existing 275kV Poppleton to Monk Fryston (XC) overhead line south of Tadcaster (Section D)):** Works proposed to this existing 275kV overhead line include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations. Work to the existing overhead line similar to those outlined for Section C would be undertaken.
- **Section F (Monk Fryston Area):** A new substation would be constructed to the east of the existing Monk Fryston Substation which is located approximately 2km south-west of the village of Monk Fryston and located off Rawfield Lane, south of the A63. A 1.45km section of the 275kV Poppleton to Monk Fryston (XC) overhead line to the west of the existing Monk Fryston Substation and south of Pollums House Farm would be realigned to connect to the proposed Monk Fryston Substation. East of the existing Monk Fryston Substation the existing 4YS 400kV Monk Fryston to Eggborough overhead line, which currently connects to the existing substation, would be reconfigured to connect to the proposed Monk Fryston Substation.

1.2.6

Temporary infrastructure would be required to facilitate the Project, including temporary overhead line diversions and temporary construction compounds.

Figure 1– Location of the Yorkshire GREEN Project



### 1.3 This Statement of Common Ground

1.3.1 For the purpose of this SoCG, National Grid and Natural England will jointly be referred to as the “Parties”. When referencing Natural England alone, they will be referred to as “the Consultee”.

1.3.2 Throughout the SoCG:

- Where a section begins ‘matters agreed’, this sets out matters that have been agreed between the Parties or where no issues have been raised by Natural England, and therefore where there is no dispute;
- Where a section begins ‘matters not agreed’, this sets out matters that are not agreed between the Parties and where a dispute remains; and
- Where a section begins ‘matters outstanding’, this sets out matters that are subject to further negotiation between the Parties.

1.3.3 This SoCG is structured as follows:

- **Section 1:** Provides an introduction to this SoCG and a description of its purpose together with a broad description of the Project;
- **Section 2:** States the role of Natural England in the DCO application process and details consultation undertaken between the Parties;

- **Section 3:** Sets out matters agreed between the Parties;
- **Section 4:** Sets out matters not agreed between the Parties;
- **Section 5:** Sets out matters where agreement is currently outstanding between the Parties; and
- **Section 6:** Sets out the approvals and the signing off sheet between the Parties.



## 2. Record of Engagement

### 2.1 Role of Natural England in the DCO process

2.1.1 Natural England is a non-departmental public body in the United Kingdom sponsored by the Department for Environment, Food and Rural Affairs. It is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved. It is also responsible for helping people enjoy, understand and access the natural environment.

2.1.2 Natural England was established on 1 October 2006 by the Natural Environment and Rural Communities Act 2006.

2.1.3 Its powers include defining ancient woodlands, awarding grants, designating Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest, managing certain national nature reserves, overseeing access to open country and other recreation rights, and enforcing the associated regulations. It is responsible for the administration of grant schemes and frameworks that finance the development and conservation of the natural environment.

2.1.4 As outlined in Advice Note 11<sup>3</sup>, Natural England's role in the DCO process under the Planning Act 2008 can be summarised as follows in relation to the Project:

- It is a prescribed consultee under Section 42<sup>4</sup> of the Planning Act 2008 and therefore National Grid must consult with Natural England before submitting a Nationally Significant Infrastructure Project (NSIP) application.
- The Planning Inspectorate must consult Natural England before adopting a scoping opinion in relation to any Environmental Impact Assessment (EIA)<sup>5</sup> and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- It is a statutory party in the examination of Development Consent Order (DCO) applications<sup>6</sup>.
- It is a Statutory Nature Conservation Body under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) in respect of Habitats Regulations Assessment (HRA).
- It is as a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of SSSIs pursuant to the Wildlife

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<sup>3</sup> Planning Inspectorate, November 2017, Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate

<sup>4</sup> Section 42(a) Planning Act 2008 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

<sup>5</sup> Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

<sup>6</sup> Section 88(3) (c) and section 102(ca) Planning Act 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

and Countryside Act 1981 (as amended) and in relation to European protected species under the Habitats Regulations.

- 2.1.5 As part of the consultation process the Applicant carried out non statutory and statutory consultation. Further information on this consultation is set out in Section 4 and 5 of the **Consultation Report (Section 4 and 5, Document 6.1 [APP-195])**.
- 2.1.6 As part of the ongoing engagement process, which is in addition to consultation, communications have taken place to inform Natural England regarding survey approach and results from biodiversity surveys and, for all the Parties to identify any sensitivities or other issues which may be relevant to the Project.
- 2.1.7 On submission of the DCO, the Natural England ~~will be~~were invited to participate in the examination of the Project as Interested Parties. During the examination process, Natural England may prepare written representations, and respond to written questions from the Examining Authority as well as participate in hearings.

## 2.2 Summary of pre-application discussions

- 2.2.1 **Table 2.1** summarises the consultation and engagement that has taken place between the Parties prior to submission of the DCO application. This includes discussions relating to EIA Scoping, s42 statutory consultation and additional technical engagement.

Table 2.1 - Pre-application discussions

Date	Topic	Discussion points
23 February 2021	Ornithology	Meeting to introduce Project, and in particular the practicalities for pre-app meetings, Service Level Agreement (SLA) parameters and to agree ornithology proposed survey scope. The Ornithology survey scope was agreed.
25 May 2021	District Level Licensing (DLL)	The Applicant's environmental consultant emailed Natural England to request a DLL quote.
11 June 2021	Biodiversity	The Applicant's environmental consultant emailed Natural England to request a meeting to introduce the project, agree lead stakeholder for biodiversity receptors and survey methodology including approach to land where access has been refused.
17 June 2021	Biodiversity	The Applicant's environmental consultant emailed Natural England to follow up with their request from the 11 June 2021 as no response was received.
29 June 2021	Land Access	The Applicant's environmental consultant emailed Natural England to follow up with their request from the 17 June 2021 as no response was received.
30 June 2021	Land Access	Natural England responded regarding a meeting on the proposed approach to survey land without access.

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
1 July 2021	DLL	The Applicant's environmental consultant called and emailed Natural England to confirm information required for DLL calculation.
1 July 2021	DLL	Natural England responded regarding information required for DLL calculation.
1 July 2021	Survey Approach	Natural England responded regarding a meeting on the proposed approach to survey land without access to advise it did not have resources to attend.
5 July 2021	DLL	The Applicant's environmental consultant emailed Natural England with the appropriate Project information (i.e. Order Limit shapefiles) required for DLL calculation.
15 July 2021	Survey Approach	The Applicant's environmental consultant emailed Natural England to agree the survey approach in absence of land access, in absence of a meeting taking place.
19 July 2021	DLL	The Applicant's environmental consultant emailed Natural England to follow up on email sent on 5 July to ensure no further information was required.
23 July 2021	DLL	Natural England emailed to arrange a call to discuss the DLL calculations.
27 July 2021	DLL	The Applicant's environmental consultant emailed Natural England to arrange a call to discuss the DLL calculations.
28 July 2021	DLL	Natural England responded to arrange a call for the afternoon of the 28 July to discuss the DLL calculations.
28 July 2021	DLL	The Applicant's environmental consultant called and emailed Natural England to discuss the DLL calculations and request indicative costs of the licence. It was agreed that the Yorkshire GREEN Biodiversity team would provide Natural England with Habitat Suitability Index (HSI) data and professional judgement regarding pond suitability based on field notes, along with refined engineering drawings including decreased temporary works areas.
28 July 2021	DLL	Natural England responded to provide indicative licence costs.
22 October 2021	PEIR	The Applicant's environmental consultant emailed Natural England to advise on continued approach to Biodiversity surveys in line with PEIR and requested a meeting.

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
9 December 2021	Section 42 Response	Formal Natural England response to Section 42 consultation. The full response can be read in the Consultation Report Volume 6, Document 6.1 and Appendix O5, Volume 6, Document 6.2)
17 January 2022	Survey Approach and SoCG	The Applicant's environmental consultant emailed Natural England to request a meeting regarding survey approach and the SoCG.
20 January 2022	Survey Approach	Natural England responded stating that it does not have resources to attend a meeting to discuss the survey approach.
27 January 2022	Agriculture and Soils	The Applicant's environmental consultant emailed Natural England to follow up on S42 response regarding soils, including clarifying and agreeing points on the survey approach.
15 February 2022	Agriculture and Soils	Natural England responded to the Applicant's environmental consultant query regarding S42 Soils response, providing further clarification on the proposed methodology for the baseline data collection.
1 March 2022	Agriculture and Soils	The Applicant's environmental consultant emailed Natural England to respond to their correspondence and requested a meeting to further clarify some of the content.
1 March 2022	Biodiversity	The Applicant's environmental consultant responded to Natural England S42 comments including concurrence with the Habitats Regulations Assessment (HRA) screening and advice to liaise with the local authority regarding Local Wildlife Sites. The Yorkshire GREEN Biodiversity team requested comments from Natural England on the proposed alternative approach to undertaking baseline surveys.
23 March 2022	Agriculture and Soils	A virtual (Teams) meeting took place to discuss details of the soils assessment method and survey methodology. Natural England confirmed it was happy with whole field approach and methodology discussed. Natural England requested additional soil surveys are undertaken at the positions of 'substantial' temporary accesses and a hybrid outline Soil Management Plan with details for areas that will be surveyed to be included within the DCO application.
3 May 2022	Agriculture and Soils	The Applicant's environmental consultant emailed Natural England to acknowledge Natural England's response to the proposed soil survey methodology. Further information was provided to Natural England

Date	Topic	Discussion points
		on soil survey areas and temporary accesses, as well as meeting minutes. A follow up email was also sent providing engineering information.
11 May 2022	Biodiversity	The Applicant's environmental consultant emailed Natural England to provide an update on progress with regards to ecology surveys and requested a meeting to discuss the SoCG.
18 May 2022	Agriculture and Soils	Natural England provided additional comments to the record of meeting notes. This included an agreement with the survey approach, the Agricultural Land Classification (ALC) methodology and spatial extent of the proposed survey works.
26 May 2022	Bat Surveys	The Applicant's environmental consultant emailed Natural England requesting their stance on the interim Bat Conservation Trust (BCT) guidelines and a move away from dawn re-entry surveys.
17 June 2022	Biodiversity	The Applicant's environmental consultant emailed Natural England requesting feedback and response to the proposed approach to European Protected Species (EPS) and Letters of No Impediments (LoNIs).
20 July 2022	Biodiversity	The Applicant's environmental consultant emailed Natural England to follow up with their request from the 17 June 2022 as no response was received.
15 August 2022	Biodiversity	<p>The Applicant's environmental consultant emailed Natural England providing the draft No Significant Effects Report (NSER) and requested confirmation of agreement.</p> <p>An otter and water vole survey results update was also provided to Natural England and a request for confirmation regarding the approach to LoNI.</p>
16 August 2022	Biodiversity	<p>A meeting with between Natural England and the Applicant's environmental consultant was held to discuss potential requirement for LoNI with respect to bats and otters.</p> <p>It was agreed that there was insufficient evidence based on surveys to date to trigger the requirement for a LoNI with respect to EPS licencing.</p> <p>It was agreed that Natural England would provide meeting minutes and further advice regarding the approach to these species during ongoing consultation.</p>

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
25 August 2022	Biodiversity	The Applicant's environmental consultant emailed Natural England to request confirmation of Natural England's lead contact for future correspondence and request a call to discuss ongoing biodiversity matters.
8 September 2022	DLL	The Applicant's environmental consultant provided an update to Natural England on the final Order Limits and provided additional pond information collected during field surveys along with confirmed layers of permanent and temporary working areas. An updated DLL quote was requested based on the submitted information and advice sought regarding next steps to progress DLL.
8 September 2022	NSER	Natural England confirmed the draft NSER (HRA screening) has now been reviewed and Natural England has no further comments, and that previous advice still stands which during section 42 consultation was: <i>"The HRA screening has concluded that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England currently concurs with this view."</i>
14 September 2022	DLL	Natural England confirmed receipt of the additional information required to progress the DLL.
14 September 2022	DLL	The Applicant's environmental consultant emailed Natural England to seek agreement from Natural England that GCN could be scoped out of requiring assessment given the DLL approach.
15 September 2022	Biodiversity	The Applicant's environmental consultant emailed Natural England to request confirmation of agreement regarding the need to produce a SoCG.
16 September 2022	DLL	Natural England advised that the Planning inspectorate did not want GCN to be fully scoped out under DLL, though reference to DLL within the assessment section should demonstrate no significant effect.
23 September 2022	DLL	The Applicant's environmental consultant emailed Natural England to advise that there would be an update to the temporary/permanent loss layers sent with the email dated 8 September 2022 due to final changes to vegetation removal areas.
23 September 2022	Biodiversity	Natural England responded to confirm receipt of the Yorkshire GREEN SoCG email.

Date	Topic	Discussion points
27 September 2022	Biodiversity	Natural England emailed to request an extension to review the SoCG matters and to confirm agreement on the need to jointly produce a SoCG.
28 September 2022	Biodiversity	Natural England emailed to confirm agreement on the need to produce a SoCG and requested a copy of the draft SoCG in order to assess the agreed matters and determine next steps for any matters outstanding.
28 September 2022	Biodiversity	The Applicant's environmental consultant responded to Natural England to confirm that a draft could be sent to Natural England following internal review.
21 October 2022	DLL	The Applicant's environmental consultant issued updated temporary/permanent habitat loss layers and pond information to Natural England to inform the updated DLL quote.
31 October 2022	DLL	Natural England requested confirmation of pond location with respect to the Order Limits and impacts.
31 October 2022	DLL	The Applicant's environmental consultant responded to Natural England's query regarding pond location with respect to the Order Limits and impacts.
03 November 2022	DLL	Natural England issued the provisional DLL Licensing Impact Assessment and Conservation Payment Certificate.

## 2.3 Summary of post-submission discussions

2.3.1 **Table 2.2** ~~will~~ summarises the consultation and engagement that has takens place between the Parties post submission of the DCO application.

Table 2.2 – Post-submission discussions

Date	Topic	Discussion points
14 December 2022	Biodiversity	The Applicant's environmental consultant emailed Natural England to explain and seek agreement with the approach to ongoing bat roost surveys.
24 January 2023	Biodiversity	The Applicant's environmental consultant emailed Natural England a copy of the draft SoCG and to request a meeting to discuss matters outstanding.
07 February 2023	Biodiversity	Natural England emailed the Applicant's environmental consultant to advise that a response would be delayed whilst awaiting some internal communications.

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
08 February 2023	Biodiversity	The Applicant's environmental consultant emailed Natural England to advise on the progression of ongoing bat surveys and to request a meeting to discuss matters outstanding.
13 February 2023	Relevant Representations	Natural England submitted Relevant Representations to PINS confirming that in relation to identified nature conservation issues within its remit, there is no fundamental reason of principle why the Project should not be permitted.  The need for further liaison with National Grid regarding minor outstanding issues (potential licencing requirements for water vole and badger, and the approach to Biodiversity Net Gain (BNG)) was stated.
10 March 2023	Biodiversity	Natural England emailed the Applicant's environmental consultant to confirm agreement with the assessments presented by National Grid with respect to outstanding wildlife licensing aspects, and to confirm that matters relating to badger and water voles are now resolved. Further comments on BNG were also provided.
27 March 2023	Biodiversity	The Applicant's environmental consultant emailed Natural England to provide further detail on the approach to BNG and to request a meeting to discuss any outstanding concerns on this matter.
04 April 2023	Biodiversity	Two meetings were held between the Applicant's environmental consultant and Natural England to discuss and agree amendments to the SoCG. Natural England advised that it was still reviewing the additional information provided by the Applicant's environmental consultant on 27 March 2023 regarding the approach to BNG.
<u>26 April 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed Natural England to provide updated information regarding the results of post-submission bat surveys and to request a meeting to discuss the requirement for a LoNI and to seek a resolution to the BNG outstanding matter.</u>
<u>04 May 2023</u>	<u>Biodiversity</u>	<u>Natural England emailed the Applicant's environmental consultant to provide additional information regarding the potential requirement for a LoNI.</u>
<u>05 May 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed Natural England to provide additional information regarding the results of the post-submission bat surveys and to confirm retention of the tree with the</u>



<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
		<u>identified bat roost and seek agreement regarding no requirement for a LoNI.</u>
<u>09 May 2023</u>	<u>Biodiversity</u>	<u>Natural England emailed the Applicant's environmental consultant to confirm agreement with suggested update to the SoCG reflecting that a LoNI is not required with respect to bats.</u>
<u>09 May 2023</u>	<u>Biodiversity</u>	<u>Natural England emailed the Applicant's environmental consultant with further comments regarding BNG.</u>
<u>15 May 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed Natural England to clarify matters relating to the provision of updated BNG information, the approach to securing BNG and feasibility of delivering BNG.</u>
<u>18 May 2023</u>	<u>Biodiversity</u>	<u>Natural England emailed the Applicant's environmental consultant with additional queries relating to BNG.</u>
<u>22 May 2023</u>	<u>Biodiversity</u>	<u>A meeting was held between the Applicant, the Applicant's environmental consultant and Natural England to discuss remaining outstanding matters relating to BNG. A follow up e-mail was sent to Natural England by the Applicant's environmental consultant summarising agreed/outstanding points.</u>
<u>08 June 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed Natural England to provide a copy of the draft S106 agreement covering BNG delivery, to advise that this had been submitted to PINS at Deadline 4, and to seek agreement with the approach/comments on the draft.</u>
<u>21 June 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed Natural England to seek agreement on the draft S106 covering BNG, and to seek confirmation of Natural England's views on the issue of bird diverters.</u>
<u>30 June 2023</u>	<u>Biodiversity</u>	<u>Natural England emailed the Applicant's environmental consultant to confirm agreement with the draft S106 covering BNG. Further comments to support the applicant's intention to produce an updated BNG Assessment at detailed design were also provided.</u>
<u>10 July 2023</u>	<u>Biodiversity</u>	<u>Natural England emailed the Applicant's environmental consultant to request minor update to SoCG.</u>

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Date	Topic	Discussion points
<u>10 July 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed Natural England to provide clarification regarding the proposed deliverables referred to within the S106.</u>

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## 3. Matters Agreed

3.1.1 This section sets out the matters that have been agreed between National Grid and Natural England. In particular **Table 3.1** details these matters.

Table 3.1 – Matters agreed

SoCG ID	Matter	Agreed position	Date of Agreement
<b>Volume 5 Environmental Statement</b>			
<b>3.1 Chapter 8: Biodiversity [APP-080]</b>			
<i>Assessment Scope and Methodology</i>			
3.1.1	Ornithological survey	Natural England agree that the scope and methods of ornithological surveys is appropriate ( <b>Section 8.4 ES Chapter 8: Biodiversity, Document 5.2.8, Volume 5 [APP-080]</b> )	23 February 2021
3.1.2	Survey Approach to land which has not been fully accessible	Based on discussion between Natural England and National Grid it is assumed Natural England are content with the alternative approach proposed ( <b>8.1.9 ES Chapter 8: Biodiversity, Document 5.2.8, Volume 5 [APP-080]</b> )	15 July 2021
3.1.3	Scope of Protected Species Surveys (excluding Post-DCO Submission Bat Surveys)	Natural England has agreed that it will not be commenting on this matter ( <b>Table 8.8, ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ) which is covered by its Standing Advice in relation to protected species	04 April 2023
3.1.4	Scope of Post-DCO Submission Bat Surveys	Natural England confirmed that it is content with the approach to post-DCO submission bat surveys ( <b>Table</b>	13 February 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		<b>8.8, ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b>	
3.1.5	Assessment Methodology	Natural England has agreed that it will not be commenting on this matter ( <b>ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ) which is covered by its Standing Advice in relation to protected species, ancient woodland and ancient and veteran trees.	04 April 2023
<i>Baseline</i>			
3.1.6	Baseline	Natural England has agreed that it will not be commenting on this matter ( <b>Section 8.5 ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ) which is outside its remit.	04 April 2023
<i>Embedded Measures</i>			
3.1.7	Proposals for embedded mitigation and compensation measures – Biodiversity Mitigation Strategy (BMS) and Code of Construction Practice (CoCP)	The Embedded Measures are detailed in <b>Section 8.6 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b> and mitigation is described in the <b>ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> as secured through the <b>Code of Construction Practice (CoCP) (Document 5.3.3B, Volume 5) [APP-095]</b> . Natural England has agreed that it will not be commenting on this matter except where it relates to the potential requirement for protected species licencing which is covered in <b>SoCG ID 3.6.1 to 3.6.3.</b>	04 April 2023
<i>Assessment of Likely Significant Effects</i>			
3.1.8	Irreplaceable habitat	Natural England has agreed that it will not be commenting on this matter ( <b>Section 8.9 ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ) which is covered by its Standing Advice in	04 April 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		relation to ancient woodland and ancient and veteran trees.	
3.1.9	Protected Species	Natural England has agreed that it will not be commenting on this matter ( <b>Section 8.9 ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ) except where it relates to the potential requirement for protected species licencing which is covered in <b>SoCG ID 3.6.1 to 3.6.3</b> . Other matters are covered by its Standing Advice in relation to protected species.	04 April 2023
<b>3.2 Chapter 11: Agriculture and Soils [APP-083]</b>			
<i>Assessment Scope and Methodology</i>			
3.2.1	Approach to the desk-based assessment of ALC	Natural England agreed the desk based methodology for areas of temporary development ( <b>Table 11.5 and Section 11.3, Chapter 11: Agriculture and Soils, Document 5.2.11, Volume 5 [APP-083]</b> )	18 May 2022
3.2.2	Spatial scope of ALC surveys	Natural England agree that the survey methodology and extent of ALC and soils is appropriate ( <b>Table 11.5 and Section 11.3, Chapter 11: Agriculture and Soils, Document 5.2.11, Volume 5 [APP-083]</b> )	18 May 2022
<i>Baseline</i>			
3.2.3	ES Baseline Description	Natural England has agreed that it will not be commenting on this matter ( <b>Section 11.5, Chapter 11: Agriculture and Soils, Document 5.2.11, [APP-083]</b> ) which is outside its remit.	04 April 2023
<i>Embedded Measures</i>			
3.2.4	Embedded Environmental Measures	Natural England has agreed that it will not be commenting on this matter ( <b>Table 11.15, Chapter 11:</b>	04 April 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		<b>Agriculture and Soils, Document 5.2.11, [APP-083]</b> which is outside its remit.	
<i>Assessment of Likely Significant Effects</i>			
3.2.5	ES Assessment of Likely Significant Effects	Natural England has agreed that it will not be commenting on this matter ( <b>Section 11.9, Chapter 11: Agriculture and Soils, Document 5.2.11, [APP-083]</b> ) which is outside its remit.	04 April 2023
<b>Volume 5 Environmental Statement Appendices</b>			
<b>3.3 Document 5.3.3E Outline Soil Management Plan <a href="#">[APP-098]</a></b>			
3.3.1	Field testing of soil conditions	Natural England recognised and accepted the proposed approach to field testing of soil conditions as acceptable ( <b>Section 1.7.16, Document 5.3.3E, Volume 5 [APP-098]</b> )	18 May 2022
3.3.2	Inclusion of site specific details where detailed site survey was undertaken.	Natural England requested the inclusion of detailed soil management plans for areas which had been subject to detailed soil surveys ( <b>Annexes to Document 5.3.3E, Volume 5[APP-098]</b> )	23 March 2022
<b>3.4 Document 5.3.8A Scoping of Assessment Summary <a href="#">[APP-126]</a></b>			
3.4.1	Internationally and nationally designated sites	As stated in its Relevant Representations, Natural England agrees that the Project will not damage or destroy the interest features of internationally or nationally designated sites. ( <b>Document 5.3.8A, Volume 5[APP-126]</b> ).	13 February 2023
<b>Volume 6: Reports and Statements</b>			
<b>3.5 Document 6.4 NSER <a href="#">[APP-200]</a></b>			
3.5.1	NSER	Natural England concurs with the conclusion of the NSER ( <b>Document 6.4, Volume 6[APP-200]</b> ).	08 September 2022

SoCG ID	Matter	Agreed position	Date of Agreement
<b>Volume 7: Other Documents</b>			
<b>3.6 Document 7.3 Details of Other Consents and Licences <a href="#">[APP-204]</a></b>			
3.6.1	Requirement of LoNI (bats and otters)	Natural England agrees that there is insufficient evidence of otter/bats to indicate a potential break of EPS legislation that would trigger the need for a derogation licence (and therefore LoNI) at the point of DCO submission. <u>A single roost was identified during post-submission bat surveys, however Natural England is satisfied that the Project would not trigger the need for a derogation licence based on the proposed works and location of the roost (Table 2.1, Document 7.3, Volume 7 [APP-204]).</u>	<del>09 May 2023</del> August 2022
3.6.2	Requirement of LoNI (badgers and water voles)	Natural England agrees that there is insufficient evidence of badgers/water voles to indicate a potential break of EPS legislation that would trigger the need for a derogation licence (and therefore LoNI) at the point of DCO submission (Table 2.1, Document 7.3, Volume 7 [APP-204]).	10 March 2023
3.6.3	Great Crested Newt DLL Scheme	Natural England agreed that the Project will join the DLL scheme to address potential effects on great crested newts (discussion initiated on 23 June 2021, provisional DLL Licensing Impact Assessment and Conservation Payment Certificate issued on 03 November 2022). National Grid confirmed acceptance of the DLL quote and the signed DLL Licensing Impact Assessment and Conservation Payment Certificate is being finalised at the point of DCO submission (Table 2.1, Document 7.3, Volume 7 [APP-204]).	03 November 2022
<b><a href="#">3.7 Document 7.9 Biodiversity Net Gain Report [APP-210]</a></b>			

SoCG ID	Matter	Agreed position	Date of Agreement
<u>3.7.1</u>	<u>Approach to BNG</u>	<p data-bbox="965 188 1742 300"><u>Natural England welcomes the Project commitment to deliver 10% BNG (<b>Biodiversity Net Gain Report, (Document 7.9, Volume 7) [APP-210]</b>).</u></p> <p data-bbox="965 308 1742 459"><u>Further to its relevant representations [RR-031] (in which Natural England flagged the provision of BNG as ‘amber’), all matters relating to BNG have now been agreed between Natural England and National Grid. It has been agreed that a Section 106 Agreement is the appropriate mechanism by which delivery of BNG will be secured.</u></p> <p data-bbox="965 467 1742 842"><u>In terms of DCO submission, the initial BNG report is based on a number of precautionary assumptions, which provides a reasonable worst-case indication of the deficit in biodiversity units resulting from the Project (which is likely to overstate losses as a precaution) and the amount and type of on and off-site habitat creation required to achieve BNG.</u></p> <p data-bbox="965 850 1742 1225"><u>National Grid will then undertake further BNG assessment at different stages through the project lifecycle updating the BNG report metric calculation with final baseline data and results of the Strategic Significance assessment. These updated reports will be produced post-consent at detailed design stage (including the BNG management and monitoring plan), and after construction (based on as-built information) to refine and finalise the assessment as further information becomes available.</u></p> <p data-bbox="965 1233 1742 1345"><u>In a meeting (<b>22 May 2023</b>), Natural England confirmed its agreement with the approach to BNG in terms of the following:</u></p> <p data-bbox="965 1393 1742 1463"><u>- Provision of adequate information at application stage (in view of land access constraints and lack of</u></p>	<u>30 June 2023</u>



SoCG ID	Matter	Agreed position	Date of Agreement
		<p><u>detailed design pre-consent), and agreement with the proposed production of updated BNG reports post-consent.</u></p> <ul style="list-style-type: none"> <li>- <u>National Grid’s approach to identifying suitable locations for delivery of meaningful BNG which in order of priority would be: 1) habitat creation/enhancement within the Order Limits with agreement with third party landowner/managers; 2) agreements with/contributions to local stakeholder schemes outside the Order Limits but within the relevant Local Planning Authority (LPA) where possible (or Project-wide where more favourable outcomes for biodiversity would be achieved by delivering BNG at a site outside the relevant LPA); and 3) inputs to strategic biodiversity offsite schemes through purchase of biodiversity units.</u></li> <li>- <u>Avoiding loss of irreplaceable habitats</u></li> <li>- <u>Adherence to the Mitigation hierarchy, especially to avoid and minimise habitat clearance (especially for priority habitats)</u></li> <li>- <u>Achieving a minimum 10% increase in area-based units, in linear units and in river units in ways that meet the Biodiversity Metric V3.1 trading rules.</u></li> </ul>	
<b>Volume 3: Draft Development Consent Order</b>			
<b>3.7 Document 3.1 Draft Development Consent Order [REP3-004]</b>			
3.7.1	Draft Development Consent Order	Based on no comments to the contrary in consultation to date including Natural England’s Relevant Representations, it is assumed Natural England is in agreement with the Draft Development Consent Order Requirements as listed on <b>Schedule 3 (Draft</b>	13 February 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		Development Consent Order, Document 3.1(B), Volume 3) [AS-011]).	

## 4. Matters Not Agreed

4.1.1 **Section 4** sets out matters not agreed between National Grid and Natural England. Table 4.1 details these matters.

Table 4.1 – Matters not agreed

<b>SoCG ID</b>	<b>Matter</b>	<b>Natural England position</b>	<b>National Grid position</b>
N/A	N/A	N/A	N/A

# 5. Matters outstanding

5.1.1 **Section 5** sets out matters where agreement is currently outstanding between National Grid and Natural England. In particular Table 5.1 details these matters.

Table 5.1 – Matters outstanding

SoCG ID	Matter	Natural England position	National Grid position
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<b><del>Volume 7: Other Documents</del></b>			
<b><del>5.1 Document 7.9 Biodiversity Net Gain Report [APP 210]</del></b>			
<del>5.1.1</del>	<del>Biodiversity Net Gain (BNG)</del>	<del>In its relevant representations (13 February 2023) and subsequent e-mail response to the draft SoCG (10 March 2023) Natural England welcomed National Grid's commitment to providing BNG. It also confirmed its agreement with the overall approach to BNG within the Project (<b>Biodiversity Net Gain Report, (Document 7.9, Volume 7) [APP 210]</b>). However, Natural England has flagged the provision of BNG as 'amber' within its relevant representations and has included the following comments within its most recent e-mail communications (e-mail 10 March 2023):</del> <ul style="list-style-type: none"> <li><del>-The baseline assessment of habitats utilising the Metric 3.1 is currently incomplete, the BNG assessment should be updated to reflect the full ecological baseline value of habitats within the calculations.</del></li> </ul>	<del>National Grid is engaged in ongoing discussion with Natural England to clarify its approach to BNG and address Natural England's remaining concerns.</del> <p><del>In summary, key points of our approach for the Project to achieve BNG are:</del></p> <ul style="list-style-type: none"> <li><del>-Avoiding loss of irreplaceable habitats</del></li> <li><del>-Adherence to the Mitigation hierarchy, especially to avoid and minimise habitat clearance (especially for priority habitats)</del></li> <li><del>-Achieving a minimum 10% increase in area-based units, in linear units and in river units in ways that meet the Biodiversity Metric V3.1 trading rules</del></li> <li><del>-For any off site BNG delivery to be implemented and delivered in partnership with local conservation stakeholders where possible</del></li> </ul>

SoCG ID	Matter	Natural England position	National Grid position
		<p><del>The achievement of a 10% biodiversity net gain is currently based on modelling scenarios, therefore Natural England are not satisfied that the project is capable of fulfilling the biodiversity objective of a 10% net gain in all habitat types identified on-site (habitat, river and hedgerow). The proposed offsetting sites have not been identified nor undergone baseline surveys, and therefore the possible increase predicted in biodiversity units via habitat enhancement is currently an assumption. Further ecological surveys and calculations to update the Biodiversity Net Gain Report should be undertaken pre consent.</del></p> <p>Natural England confirmed that it had received an e-mail from the Applicant's environmental consultant on 27 March 2023 providing further detail on the approach to BNG and is still reviewing this information at the current time (04 April 2023).</p>	<p><del>For any off site BNG delivery, National Grid will seek for gains to be within the same LPA as the associated loss</del></p> <p><del>Where this is not possible due to limited availability of suitable sites, or more favourable outcomes for biodiversity would be achieved by delivering BNG at a site outside the relevant LPA, delivery of 10% BNG would apply across the extent of the project rather than being split between LPAs. National Grid will look to engage with the affected LPAs to identify opportunities to deliver meaningful BNG enhancements across the extent of the project.</del></p> <p>In terms of DCO submission, we have submitted an initial Biodiversity Net Gain report based on a number of precautionary assumptions, which provides a reasonable worst case indication of the deficit in biodiversity units resulting from the Project (which is likely to overstate losses as a precaution) and the amount and type of on and off site habitat creation required to achieve BNG. Given that some detail required to inform a final BNG assessment is not yet available for the Project, it is proposed that the BNG assessment is updated at different stages through the project lifecycle (detailed design stage and after construction is complete based on as built information) to refine and finalise the assessment as information becomes available.</p> <p>We will then undertake further BNG assessment at different stages through the project lifecycle updating the BNG report metric calculation with final baseline data and results of the Strategic Significance assessment. These updated reports</p>

SoCG ID	Matter	Natural England position	National Grid position
			<p>will be produced post consent at detailed design stage (including the BNG management and monitoring plan), and after construction (based on as-built information) to refine and finalise the assessment as further information becomes available. Delivery of 10% net gain would be secured via a Section 106 agreement with the LPAs, a draft version of which has been circulated to all relevant LPAs for comment.</p>

## 6. Approvals

<b>Signed</b>	B.Kington
<b>On Behalf of</b>	National Grid
<b>Name</b>	Bethany Kington
<b>Position</b>	Consents officer
<b>Date</b>	<del>27.3.23</del> <u>11.07.23</u>
<b>Signed</b>	
<b>On Behalf of</b>	Natural England
<b>Name</b>	Marian Ashdown
<b>Position</b>	Principal Adviser - Planning
<b>Date</b>	<del>04.04.23</del> <u>10.07.23</u>

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